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Kang Soo Seo

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EXAMINER

SHIBRU, HELEN

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/715,462	Applicant(s) SEO ET AL.	
	Examiner HELEN SHIBRU	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-22, 27, 28 and 30-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-22, 27, 28 and 30-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/23/08, 09/02/08</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/23/2008 has been entered.

Response to Amendment

2. The amendments, filed 10/23/2008, have been entered and made of record. Claims 30-37 are added, claims 18, 23-26, and 29 are cancelled; and therefore claims 1, 15-17, 19-22, 27-28, and 30-37 are now pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 15-17, 19-22, 27-28, and 30-37 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 15-17, 19-22, 27-28, and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US PG PUB 2002/0145702 A1) in view of Kaneshige (US Pat. No. 5,913,010) and further in view of Sugimoto (US PG PUB 2001/0038745).

Regarding claim 1, Kato discloses a computer readable medium storing a data structure for managing reproduction of at least video and audio data performed by a reproduction device comprising: a data area storing a stream file including at least one of video and audio data (see figure 14 M2TS); and a clip information area storing a clip information file (see figure 14 CLIPINF), including timing information of the at least one of video and audio data (see paragraphs 0167, 0199 and 0267); a playlist area storing a playlist file including at least one playitem (see figure 14, PLAYLIST), identifying a playing interval in a clip of the at least one of video data and audio data (see paragraphs 0168, and 0268-0274); a navigation area storing at least one navigation file where the navigation data file providing parental control of the at least one of the video and audio data (see fig. 28 and paragraphs 0226, 0234, and figures 6, 9, and 14); and the stream file, the clip information file, and the playlist file, are separate from each other (see figure 14 where it shows the PLAYLIST, the CLIPINF, and M2TS are recorded separately).

Claim 1 differs from Kato in that the claim further requires a navigation file is separate from files.

In the same field of endeavor Kaneshige discloses a navigation area separated from the data area for storing at least one navigation file (see figures 15-17 and col. 11 line 66-col. 12 line 53 where it discloses the Navigation pack separate from the audio pack and the video pack in the DVD video zone). Kaneshige further discloses the navigation pack including navigation commands for managing reproduction of the video and audio data and the navigation file providing parental control of the video and audio data (see figure 17 and col. 12 lines 45-53). Therefore in light of the teaching in Kaneshige it would have been obvious to one of ordinary

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skill in the art at the time the invention was made to modify Saeki by providing a navigation pack area separated from the other files in order to control display of data in the video object unit to which the navigation pack belongs to.

Claim 1 further differs from the above proposed combination in that the claim further requires the navigation area including a path item, the path item launching the playlist file by using a navigation command.

In the same field of endeavor Sugimoto discloses a navigation area, storing a navigation file including a path item, the path item launching the playlist file by using a navigation command recorded in the computer readable medium where the path item providing parental control of the at least one of audio and video data (see figure 1 where the recording medium DVD, includes RTR.IFO which is also shown as VR-MANGR. IFO, as shown in figure 55, and the VR-MANGR. IFO contains RTR_VMG, RTR_VMGI etc. as shown in figure 6). The RTR_VMG, RTR_VMGI etc includes PL_SPRT for example. The PL-SRPT contains PL_SRP which contains the number of playlist search pointers. See also PL_SRP_Ns (number of playlist search pointers in figures 6-8). See also PL_TY in figures 8 and 9 where PL_TY stores PGC number for the associated playlist (paragraph 0222). See also paragraph 0171. The play list search pointer table records play list search pointer table information and play list search pointers. The playlist search pointer information records information for accessing a play list search pointer (see paragraphs 0207-0209 and figure 8). See also paragraph 0771 where Sugimoto discloses the user selects any one of the reproduction paths to playback. Therefore in light of the teaching in Sugimoto it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by providing a

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navigation area including a path item for launching the playlist file in order to access the file rapidly.

Regarding claim 15, Sugimoto discloses the path item further includes a length indicator indicating a length of the path item (see paragraphs 0159, 0228, 0421, 0681, 0731 and see also Saeki's paragraphs 0131 and 0205).

Regarding claim 16, Sugimoto discloses the path item further includes an attribute indicator providing an indication of at least one attribute of the path item (see figures 6-9, claim 1 rejection above, and see also Saeki's paragraphs 0227-0228).

Regarding claim 17, Sugimoto discloses the navigation file further includes a field indicating a number of the path items in the navigation file (see claim 1 rejection above).

Claim 19 is rejected for the same reason as discussed in claim 1 above.

Claim 20 is rejected for the same reason as discussed in claim 1 above. It is noted that Seki discloses the method of reproducing data structure as claimed in the present application claim 20 (see claims 4-5 of Saeki). It is also noted that Kaneshige discloses reproducing the at least one of video and audio data recorded in a data area of the computer readable medium, separate from the navigation area (see col. 15 line 16-col. 16 line 67). See also Sugimoto claim 8. Therefore claim 20 is analyzed and rejected for the reasons stated above.

Regarding claim 21, the limitation of claim 21 can be found in claim 1 above. Therefore claim 21 is analyzed and rejected for the same reasons as discussed in claim 1 above. It is Noted that Saeki discloses a pick up configured to record data in a data area of the computer readable medium (see figure 14, and paragraphs 0126-0130); a controller configured to control the pickup to record the clip information file, the playlist file and the navigation file (see also figure 1,

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controller in Kato for example, paragraph 0766 in Sugimoto). Therefore claim 20 is analyzed and rejected for the same reasons as stated in claim 1 above.

Regarding claim 22, the limitation of claim 22 can be found in claims 1, 20 and 21 above. Therefore claim 22 is analyzed and rejected for the same reasons as discussed in claims 1, 20 and 21.

Regarding claim 27, Saeki discloses an interface unit configures to communicate with the controller to select one of the different parental control reproduction paths (see figure 14 and paragraph 0157, see also claim 1 rejection above and Sugimoto's paragraph 0771).

Regarding claim 28, Saeki discloses wherein the interface unit receives user input on the different parental control reproduction paths, and the controller controls the reproduction of the at least one of video and audio data based on the user input (see paragraphs 0126 and 0172).

Claims 31, 33, 35, and 37 are rejected for the same reason as discussed in claim 17 above.

Claims 32, 34, and 36 are rejected for the same reason as discussed in claim 16 above.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting

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ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1, 15-17, 19-22, 27-28, and 30-37 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 38, 39, 40, 41-43, of copending Application No. 10/715511 in view of Sugimoto (US PG PUB 2001/0038745). Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reasons sets forth below.

Regarding claim 1, the copending Application claim 1 recites a computer readable medium having a data structure for managing reproduction of video data, comprising: a data area storing a stream file including the video data; and a clip information area storing a clip information file corresponding to the stream file, the clip information file including timing information of the video data; a playlist area storing a playlist file including at least one playitem, the playitem identifying a playing interval in a clip of the video data; and the stream file, the clip information file, and the playlist file, the navigation file are separate from each other ; and a navigation area, storing a navigation file including a path item, the path item launching the playlist file to reproduce by using a navigation command recorded in the computer readable medium.

Claim 1 differs from the copending application in that the claim further requires the path item providing parental control of the at least one of video and audio data.

In the same field of endeavor Sugimoto discloses a navigation area, storing a navigation file including a path item, the path item launching the playlist file by using a navigation

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command recorded in the computer readable medium where the path item providing parental control of the at least one of audio and video data (see figure 1 where the recording medium DVD, includes RTR.IFO which is also shown as VR-MANGR. IFO, as shown in figure 55, and the VR-MANGR. IFO contains RTR_VMG, RTR_VMGI etc. as shown in figure 6). The RTR_VMG, RTR_VMGI etc includes PL_SPRT for example. The PL-SRPT contains PL_SRP which contains the number of playlist search pointers. See also PL_SRP_Ns (number of playlist search pointers in figures 6-8). See also PL_TY in figures 8 and 9 where PL_TY stores PGC number for the associated playlist (paragraph 0222). See also paragraph 0171. The play list search pointer table records play list search pointer table information and play list search pointers. The playlist search pointer information records information for accessing a play list search pointer (see paragraphs 0207-0209 and figure 8). See also paragraph 0771 where Sugimoto discloses the user selects any one of the reproduction paths to playback. Therefore in light of the teaching in Sugimoto it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above proposed combination by providing a navigation area including a path item for launching the playlist file in order to access the file rapidly.

The subject matter of claims 15-16 can be found in the copending applications claims 42-43 respectively.

The subject matter of claims 19-22 can be found in the copending applications claims 38-41 respectively. See also claim 1 double patent rejection above.

The subject matter of claims 30, 32, 34, and 36 can be found in the copending Application claims 42, 44, 46, and 48.

Regarding claim 17, Sugimoto discloses the navigation file further includes a field indicating a number of the path items in the navigation file (see figures 6-9).

Regarding claim 27, Sugimoto discloses an interface unit configures to communicate with the controller to select one of the different parental control reproduction paths (see paragraph 0771).

Regarding claim 28, Sugimoto discloses wherein the interface unit receives user input on the different parental control reproduction paths, and the controller controls the reproduction of the at least one of video and audio data based on the user input (see abstract and paragraph 0228).

Claims 31, 33, 35, and 37 are rejected for the same reason as discussed in claim 17 above.

This is a provisional obviousness-type double patenting rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/
Examiner, Art Unit 2621
November 07, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621